



# Tyngsborough Board of Health

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**Sheila Perrault, Chairperson**

**Bernadette Harper – Vice Chairperson**  
**Patricia Quinn**

**Christopher Mellen**  
**Tracie Looney**

## **Board of Health Meeting Minutes** **April 8, 2013**

**Members Present:** Sheila Perrault (SP), Christopher Mellen (CM), Tracie Looney (TL), Pat Quinn (PQ), Bernadette Harper (BH)

**Also Present:** Kerri C. Oun (KO) – Health Agent

### **6:10 Meeting Opened:**

TL: Made motion to open meeting

CM: 2<sup>nd</sup> the motion

Vote: yes – 5 no - 0

### **6:10 104 Chestnut Road**

Brian Milisci, owner, lawyer were present to request variance. John Hamilton of 66 Chestnut Rd. was also present. Case was continued from last meeting. MW recommends that if the Board grants the variance, the system provides the same level of treatment with some type alternative system. Since he has been on board, he does not recall the Board granting a variance for a new system nor has a new system has been presented. This is a unique situation due to the wetland enhanced by drainage issue. With the IA system, the offset can be reduced by half with maintenance program and when the sewer is available, must hook up to sewer. BM has copy of DEP approval of FAST system. FAST system comes with annual Operation and Maintenance (O&M) agreement that owner must agrees to. FAST do the testing of system and copy of reports can be made available to BOH. The report has to be send to the State for review. MW said that by July of this year, the State is pushing State Variances to the LBOH for approval. If more than one variance is asked for, then the State would still be the approving authority. MW recommends the FAST system, maintained in perpetuity with a valid maintenance contract, connect sewer when it becomes available, initial sampling of 20-25-10 standard (BOD, DSS, & Nitrogen), letter from the FAST company that they have review and approve the plan and size of tank. BM noted that the FAST system is usually design for a small lot but in this case the lot is of sufficient size and does meet Title V and proper ground water offset. BM will go back and design plan for FAST system. Mr. Hamilton has concerns that variance and square footage being asked for is unreasonable. He has observed that rain from last week did not run off onto the property since they have repaved Chestnut Rd. In the 3 areas where perc tests were done, the highest spot has no issue with water but the 2 lower spots have pooled water after it rained. JH asked if KO drove by last Tuesday to take a look at the lot. KO said that it was not her. 2 of the 3 spots have water pooled on it for 3 days after 1 day of rain. He is not convinced that

the water issue is caused by the run-off but by the lot itself. At the last conservation meeting, the issue of the land being unbuildable was brought up at the meeting. He understands that there is an appeal to the State. Mr. Hamilton commented that the impact of the wetland outweighed the benefit. SP said that this Board cannot address the appeal process and asked for input from MW and KO regarding pooling of the water. MW noted that Conservation has approved delineation of wetland. MW noted that the perc test was good and the soil was not tight. Mr. Hamilton asked if pouring a pile of sand into a hole would cause the water to go down in 10 minutes. BM said the perc test was done with virgin material and up to code. Mr. Hamilton asked about the property being unbuildable in 1996. SP said not BOH issue and maybe with Assessor Department. BOH did not have input into the lot that was declared unbuildable at the time the letter was issued. SP said that this Board can only address the septic issue that comes before the Board. Even if this Board approves the system, the system cannot be built unless DEP approves the lot. MW made another recommendation that the IA system be tertiary (with blower). JH asked if the Board can hold off on the decision until DEP make a ruling. He is concerned that this may sway the Conservation Commission decision. The lawyer said Conservation already made their decision and it will strictly be DEP's decision. SP said that the BOH decision will not affect DEP's decision.

**PQ:** Made motion grant variance for 51 feet with following conditions:

- maintained in perpetuity with a valid maintenance contract,
- connect sewer when it becomes available,
- initial sampling of 20-25-10 standard (BOD, DSS, & Nitrogen),
- letter from the manufacturer review and approve the design and plan and size of tank (approval of the design)
- innovative alternative technology must be a tertiary system
- valid orders of condition from DEP
- MW's final review of plan

**BH:** Second the motion

**Vote:** yes – 4                      no – 0                      CM abstained

#### **7:40 298 Middlesex Road**

Ken Lania of Cornerstone Engineering was present on behalf of his client, the Mike's Signs, to request variances for an upgrade to the sewage disposal system. Company makes signs of all type and will be moving from Lowell. System is pushed out as far as possible from wetland. Has gone to Conservation and have valid order of condition. Signs are pre-made and order online and put together onsite. Mr. Lania assured the Board that the company does not use hazardous material and does not have solvent on property. MW reminded Mr. Lania that floor drain is not allowed. Due to high water table, Mr. Ken is asking the Board for a variance to use sieve analysis as a substitute for a perc test soil analysis, performed in accordance with DEP Guidance, "Alternative to Percolation Testing Policy for system Upgrades". The system is located within 100 feet of wetland. Mr. Ken is asking a variance from the Tyngsborough Board of Health Regulations to allow the sewage disposal system to be located 61 feet from the wetland instead of the 100 feet required.

**BH:** Made motion to grant variance to use sieve analysis as a substitute for a perc test test and 61 feet offset from the wetland with following conditions:

- Owner must connect to sewer if it becomes available.
- No floor drains shall be installed in the building.
- Facility shall have a Valid Order of Conditions

- Final Engineering review of design plan
- As designed the facility does not include an Industrial Wastewater Holding Tank, however, any changes in use that require a holding tank shall meet all applicable standards (314 CMR 18.00) and obtain a valid operating license from the Town of Tyngsborough Board of Health prior to use.

**TL:** 2<sup>nd</sup> the motion

**Vote:** Yes -4                      No- 0                      CM abstained

## **7:00 104 Middlesex Road**

Frank Serafini and Anthony Catalano, owners of 104 Middlesex Road, were present to update the Board on the septic issue continued from March's meeting. Mr. Serafini stated that they have started the process with lawyer on the easement issue. He had contacted Hall Pump to get specs and estimates for the pump to connect to sewer. MW said he has been out to the property 3 times since he has gotten the call and at this time he said system does not pose immediate public health threat. If owners are planning to move forward in correcting the issue, MW recommends that the Board give owners time frame to correct issue and keep tab on property. Mr. Serafini explained to MW that the cause of failure is due to his tenants letting the water run. He had spoken to Sewer Commission (Allen) on where he is planning to run the line for connection and the Sewer Commission has told him that he does not have issue with it. It has always been their intent to hook up to sewer but the issue is cost for hook-up. It would cost the owners around \$5400 per unit for hook-up fee. MW asked for timeframe. Mr. Serafini said he wanted to get the finances in place and want to get it done within 6-7 months unless until there is an issue. He claimed that there has not been an issue with the septic system since the problem tenants moved out. Mr. Serafini said that they are working on getting the estimates within the next couple of months. The Board wants the owners to come back in June to update the Board. KO said she spoken to Sewer Commission and had told her that the owners can put in an E-1 pump or retrofit the existing tank. SP asked Mr. Serafini to provide the Board with a letter from the pump company, updates on the timeline for the project and come back in June. SP wants owners to secure finances by June. Mr. Serafini said that he will try to secure the finances but cannot guarantee. The Board asks the owners to come back in June.

## **7:20 Olive Garden**

Geoff Robillard (GR), Steve Blaise, and Karen Charlesworth (KC) were present to update the Board. GR provided the Board with Capital Project Request and the construction contract. The project has been delayed due to inclement weather and phase I will start this week. GR provided the Board with timelines for the phases. SP asked if the equipments are onsite to start the work. GR said the equipments will be onsite tomorrow to start excavation and clear the landscaping. GR informed the Board that Olive Garden continued to pump weekly but they have changed the pumping company to Wind River. KO informed that Barry Invanicci has taken the test but has not paid the license. GR said that Barry will be in tomorrow to pay the fee. SP asked if the tanks have been purchased and GR said yes but the tank is not onsite. One of the issues was the temporary parking lot for the 2 months project for the employees and equipments. GR had spoken to Building Department but the Building Commissioner required them to meet many requirements for the temporary parking lot. The cost would be too much. MW recommends the Board support the temporary parking lot. KO said that she will speak with the Building Commissioner regarding the requirements. KO and MW reminded GR of the extra costs for the extra hours of engineering costs. GR said

that he will be willing to review the schedules and willing to pay for it. The Board asked Olive Garden to come back next month to update the Board. GR and KC asked that the letter informing of the meeting to be emailed.

#### **7:35 Health Agent's Report**

**Housing Authority Septic System** – KO was contacted by an engineering company. The gentleman informed her of a failed septic system on the property and another one that may be stressed. The gentleman asked her if the repair can be done to the system that failed or does the Board require that all systems be repaired at once. The Board does not have issue of having the system repaired as it failed.

**Administrative Assistant Position** –KO informed the Board that there are about 45 applicants for the position. BH recommends narrowing down to 3 and set up the interviews for the top 3 candidates. SP wanted to look at all resumes. KO has narrowed down to 11 resumes and will scan and emailed the Board. The Board divided the remaining resumes and will review them at home. Board will let KO know who they want to interview and KO will set up time.

**HHAN Alert** – KO reminded SP to sign up. BH also needs to sign up.

**NIMS 700 and ICS 100** – KO reminded CM that she needs certificates for the 2 courses he has taken. KO provided handout to Board members on how to take the 2 courses online.

**Covanta Contract** – KO updated the Board of the 7 Towns contract negotiation with Covanta regarding the tipping fee. There are 2 years remaining on the contract and the Covanta is willing to start negotiation right now. There may be a saving for the last 2 years of the contract and a 3 years extension.

**Household Hazardous Waste Day** – KO reminded that HHW Day is set for May 18<sup>th</sup>. TL said that she will not be able to attend because she has the AVON walk on that weekend.

**Recycling** – KO reported that Steve Berthuime has been working on the recycling by-law to include the proposals that were brought up at the Selectman-Board of Health joint meeting. The proposals were not to pick up trash if recycling is not put out or if the trash toter lid is ajar. He has called Westford for the language. He has also spoken to Town Administrator to see if the issue can be enforced without writing them into the by-law. Town Administrator has informed him that he will get the opinion of Town Consul.

**77 Frost Road** – KO informed the Board that Karen Steeves, formal administrative assistant, has sent out letter restricting system to a 1 bedroom system. Although not on the minutes, the Board has granted a 2 bedroom restriction. Owner has called and requesting the change. KO has reviewed her minutes and MW has confirmed with Jeff Hannaford, the engineer at the meeting, that the Board has granted a 2 bedroom restriction. KO will make change and re-send to owner. TL also recalled that owner tried to sell the house.

**Flu Clinic** – KO asked if the Board is interested in doing the flu clinic. CM recalled from last year that the Board does not want to do it due to the low turnout. PQ thinks that the Board should have the flu clinic at the Senior Center. KO suggested holding off the decision until it is closer to flu season.

**Stonehedge Inn** – KO has received call from Charles Zaroulis. He has spoken to Peter Nicosia, attorney for Stonehedge, who has asked if the Board is willing to give Stonehedge until the end of August to put in the contrasting line for the swimming pool. SP felt that the line cannot be delayed any longer. The Board has already given him an extension to December 31, 2013. CM felt that the line should not wait after the summer season. He suggested to give Stonehedge until May 15<sup>th</sup>.

**TL:** made motion to give Stonehedge Inn Pool and Spa until May 15, 2013 to put in contrasting line on the steps and ledges of the pool and spa.

**CM:** 2<sup>nd</sup> the motion

**Vote:** yes -4                      no – 0

**Mosquito Control Program** – KO reminded that the Special Town Meeting is May 18<sup>th</sup>. Last year, the Board of Health has looked into the Mosquito Control Program. The cost of the program was around \$40,000. The program has to be voted for at Special Town Meeting. BOH discussed the issue but due to financial constraint, BOH will monitor issue.

**Recycling Grant** – CM and the recycling subcommittee have made suggested changes to the letters. SP asked for 24 hours to review letters before making decision.

**CM:** made motion to accept the correction to the letters.

**PQ:** 2<sup>nd</sup> the motion

**Vote:** yes – 3                      no – 0

**9:00 TL:** Made motion to adjourn

**CM:** 2<sup>nd</sup> the motion

**Vote:** Yes -4    no – 0